IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1895 (SS) OF 2005

Rakesh Chandra,
S/o Shri Badri Prasad Bhatt,
District Chamoli (Uttaranchal).
Presently posted as Assistant Teacher in Janta Higher Secondary School Bamoth, Shanti Sadan District Chamoli.
.....Petitioner.

Versus

1. State of Uttaranchal though Secretary Education (Basic) Civil Secretariat Uttaranchal Dehradun.
2. District Basic Education officer Chamoli at Gopeshwar, District Chamoli.
3. District Education officer Chamoli at Gopeshwar, District Chamoli.
4. Manager, Janta higher Secondary School Bamoth, Shanti Sadan District Chamoli.

.....Respondents.

19.12.2005

Hon'ble Rajesh Tandon, J.

Heard Sri B.S. Parihar, learned counsel for the petitioner and learned Standing Counsel. Both the counsel have prayed that let the writ petition be disposed of at the admission stage.

By the present writ petition, the petitioner has prayed for a writ of mandamus commanding and directing the respondents to pay the salary and other consequential benefit along with interest to the petitioner from 11.04.2005.

Heard both the parties and both the parties have submitted that let the writ petition be disposed of finally at the admission stage.

In accordance with the advertisement published in Amar Ujala on 24th March, 2005, the petitioner applied for the post of assistant Teacher in Janta Higher Secondary School Bamoth, Shanti Sadan District Chamoli. On 04.04.2005, the interview was held in the said institution and tow candidates petitioner and one Shri Mahavir Singh Bisht appeared before the Selection

Committee for interview and merit list was prepared by the Selection Committee. This fact is established by the letter of Assistant Education Officer, Chamoli. The committee of management has issued the appointment letter in favour of the petitioner in accordance with the provision of relevant rule vide letter No. 486/2005 Niyukti/Adesh dated 11.04.2005.

The petitioner joined his services in the School on 11.05.2005. The petitioner has submitted that from the date of his appointment, he is continuously discharging his duty faithfully and diligently till date and no complaint whatsoever was received or communicated to the petitioner.

Learned counsel for the petitioner has submitted that the letter has been forwarded by the selection committee for approval within a stipulated period when no reply within a month was received by the Manger Committee of the Institution and it was deemed that the approval of the petitioner has been accepted by the authority for his appointment in accordance with the provision of Rule, 1978.

Petitioner has submitted that although he has joined his services on 11.04.2005 in the institution, but he has not received any salary for the said period. In this respect the petitioner has made representation on 6th June, 2005 redressing his grievances to Manager of the Institution as well as other authority concerned on different dates.

On the representation of the petitioner, the Manager of the Institution vide its letter dated 08.06.2005 has informed the petitioner that with regard to the salary for the month of April and May, 2005, the bill has already been forwarde3d to the Account Officer, Chamoli at Gopeshwar and the petitioner was asked to continue and to perform his duties regularly. When no heed has been paid by the respondents on the several representation of the petitioner, he ultimately got issued a

legal notice dated 16.09.2005 through his advocate Shri Bhimendra Singh Rawat. Petitioner has submitted that in reply of the notice issued by the petitioner, the Manager of the Institution has supported the version of the petitioner and shifted the liability upon the District Education officer, Chamoli.

In view of ht above, if the petitioner has worked or certain period, the respondent no. 3 is directed to consider the payment of salary and shall also consider the representation of the petitioner in accordance with law within a period of six weeks.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

19.12.2005
Rathour